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TRANSMITTAL FORM

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Total Number of Pages in This Submission

7+

Serial - Control Number	09/773,303 - 90/005,892
Filing Dates	01/31/2001 - 12/20/2000
First Named Inventor	Larry M. Proctor
Group Art Unit	1638
Examiner Name	Amy Nelson

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AM 8:45

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	US Cited Art - 1
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Other Cited References - 14
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	Statement Accompanying IDS - 1 page
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Proceedings Information Pursuant to 37 CFR 1.178 and 37 CFR 1.565 - 2 pages
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	It is believed that no fees are due in this matter. However, if it is determined that fees are due, the Commissioner is authorized to debit Deposit Account No. 03-1725 for the required fees.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Brett L. Bornsen Reg. No. 46,566
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Signature

2-8-02

Date

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the Federal Express as Overnight in an envelope addressed to: 1911 S. Clark Place, Arlington, VA 22202 on this date:

2/8/02

Typed or printed name Peggy L. Nieto

Signature

Date

2/8/02

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19742/002

Practitioner's Docket No. 19742/002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Proctor
 Reissue of US Patent 5,894,079
 Serial No.: 09/773,303
 Filed: 1/31/2001
 For: FIELD BEAN CULTIVAR NAMED ENOLA

Re-exam. of US Patent 5,894,079
 Control Number 90/005,892
 Filed: 12/20/2000

USPTO
 Attn: Amy Nelson, Examiner
 Crystal Mall 1
 7th Floor
 1911 S. Clark Place
 Arlington, VA 22202
 Group No.: 1638
 Phone: (703) 306-3218

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Statement Accompanying IDS

Dear Madam:

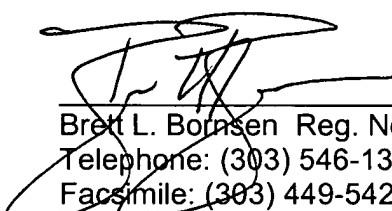
Regarding Cite number 10 of the IDS, the Requestor cited Chapters 3, 6, and 8 of the Common Beans book. Because the Examiner may wish to refer to other chapters, we have included and cited the Common Beans book in total.

Regarding Cite numbers 11-14 of the IDS, reference 11 purports to document experimental work proving that the subject matter of the invention in U.S. Patent 5,894,079 is anticipated by the Pimono 78 bean. The attached Declaration of Lorance Greenlee, Cite Number 13, is submitted to establish that the methodology and conclusions of the study are flawed and have no probative value.

A copy of these documents will be sent to the Requestor of the Re-examination.

Respectfully submitted,
 Faegre & Benson, LLP

Date: 2-8-02



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Practitioner's Docket No. 19742/002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Proctor

Reissue of US Patent 5,894,079

Serial No.: 09/773,303

Filed: 1/31/2001

For: FIELD BEAN CULTIVAR NAMED ENOLA

Re-exam. of US Patent 5,894,079

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USPTO

Attn: Amy Nelson, Examiner

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1600/2360Proceedings Information Pursuant to
37 CFR 1.178 and 37 CFR 1.565

Applicant provides the following information pursuant to 37 CFR 1.178 and 37 CFR 1.565: (1) Pod-Ners L.L.C. v. Tutuli Produce Corp. and Rebecca Gilliland is an action for infringement of the patent involved in these consolidated proceedings pending in the United States District Court for the Central District of California (Civil Action No. 99-10172-CBM (Mcx)). Defendants have alleged in counterclaims invalidity, noninfringement, unenforceability because of non-citation of Azufrado Pimomo 78 (Mayacoba) during prosecution, trade libel, intentional interference with prospective economic advantage, intentional interference with contractual relations, and Federal unfair competition. The action was stayed on August 20, 2001 pending resolution of these consolidated proceedings and the United States Supreme Court appeal in J.E.M. AG Supply, Inc. et al. v. Pioneer Hi-Bred International, Inc. (No. 99-1996, decided in favor of the patent and like patents on December 10, 2001); (2) Pod-Ners L.L.C. v. Northern Feed & Bean Of Lucerne Ltd. Liability Co., Yellow River, L.L.C., Highland Feed & Bean, Inc., Flying K Farms, Inc., Whitman Farms, Inc., Murata

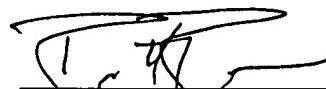
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Farms, L.L.C., Leland Benson, Lynn Fagerberg, Barnard Geisick, Jim Gibbs, Stan Heinze, Louie Fabrizious, Dennis Klein, Roger Troutd, Chuck Winter, and Steve Winter is an action for infringement of a Plant Variety Protection Certificate (No. 9700027) relating to the subject matter of the patent involved in these consolidated proceedings pending in the United States District Court for the District of Colorado. In addition to infringement, the complaint alleges Federal and State unfair competition, deceptive trade practices, and tortuous interference. One defendant has alleged in counterclaims invalidity, noninfringment, deceptive trade practices, intentional interference with prospective business relations and economic advantage, intentional interference with contractual relations, and Federal unfair competition.

200200-200200

Respectfully submitted,
Faegre & Benson, LLP

Date: 2-8-02



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